

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**CORRECTED  
FISCAL NOTE**

**HB 125 - SB 936**

March 2, 2009

**SUMMARY OF BILL:** Increases the penalty for vandalism of a place of worship and requires offenders to receive a sentence one classification higher than is currently provided for these offenses. Vandalism is currently punished as theft under Tenn. Code Ann. 39-14-105 with a sentence ranging from a Class A misdemeanor to a Class B felony depending on the value of the property. Defines "place of worship" as any structure qualified for tax exemption and utilized by a religious institution as the site of congregational services, rites, or activities communally undertaken for the purpose of worship.

**ESTIMATED FISCAL IMPACT:**

On February 16, 2009, we issued a fiscal note indicating an *increase in state expenditures of \$1,749,600/Incarceration*. Based on further review and additional information provided by the Department of Correction (DOC), the fiscal impact of the bill is as follows:

**(CORRECTED)**

**Increase State Expenditures – \$1,582,600/Incarceration\***

Assumptions:

- According to the Tennessee Bureau of Investigation's 2007 Crime in Tennessee Report, statewide there were 75,572 offenses of destruction, damage and vandalism with 1.09 percent of those (831) being a religious facility.
- According to DOC, the average operating cost per offender per day for calendar year 2009 is \$59.80. According to DOC, the average post-conviction time served for a Class E felony is 1.63 years; 2.43 years for a Class D felony; and 3.59 years for a Class C felony. The cost per offender at 1.63 years is \$35,548.11 (\$59.80 x 594.45 days).
- According to the Administrative Office of the Courts, there has been an average of 402 Class A misdemeanors convictions in each of the past five years. Total convictions, including general sessions courts, are estimated to be an average of 4,020 per year. The Department of Correction (DOC) estimates that one percent (40.20) would be punished as Class E felonies under this bill.

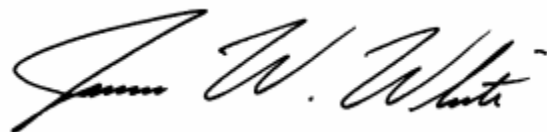
**HB 125 - SB 936 (CORRECTED)**

- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth would result in an additional four offenders in the tenth year. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 44 offenders. The total additional operating cost for 44 offenders is \$1,564,116.84 (\$35,548.11 x 44).
- According to DOC, there has been an average of 27 admissions for a Class E felony offense of vandalism, 39 admissions for a Class D offense, 8 admissions for a Class C offense, and 2 admissions for a Class B offense in each of the past 10 years. DOC estimates that one offender every three years would receive a Class D felony rather than a Class E under current law.
- The annualized time served per conviction for a Class E is 196.17 days (0.33 annual number of convictions x 594.45 days served). The annualized time served per conviction for a Class D is 292.45 days (0.33 annual number of convictions x 886.22 days served). The annualized cost of increasing the average sentence length 96.28 days is \$5,757.54 (\$59.80 x 96.28 days served).
- DOC estimates that one offender every two years would receive a Class C felony rather than a Class D under current law. The annualized time served per conviction for a Class D is 443.11 days (0.50 annual number of convictions x 886.22 days served). The annualized time served per conviction for a Class C is 655.74 days (0.50 annual number of convictions x 1,311.48 days served). The annualized cost of increasing the average sentence length 212.63 days is \$12,715.27 (\$59.80 x 212.63 days served).
- Any impact on caseloads for the state trial courts can be handled within existing resources.

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

/lsc